

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Friday, March 27, 2009

Time: 5:30 pm

Place: Capitol

Room: 455

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

None

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 271 - BC SB 235 - BC HB 656 - DPAA HB 662 - DPAA SB 371 - BCAA

SB 351 - BCAA

COMMENTS:

Tabled SB 335 and SB 363. SB 142 died on a 9-9 vote.



REP. Bill Wilson, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: 3/27/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Michele Reinhart	X	
Rep. Bill Beck	X	
Rep. Elsie Arntzen	X	
Rep. Shannon Augare	X	
Rep. Paul Beck	X	
Rep. Tom Berry	X	
Rep. Carlie Boland	X	
Rep. John Fleming	X	
Rep. Timothy Furey	X	
Rep. Chuck Hunter	X	
Rep. Harry Klock		X
Rep. Mike Milburn		X
Rep. Pat Noonan		X
Rep. Scott Reichner	X	
Rep. Cary Smith	X	
Rep. Gordon Vance	X	
Rep. Jeffery Welborn		X
Rep. Bill Wilson	X	



HOUSE STANDING COMMITTEE REPORT

March 28, 2009

Page 1 of 27

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 351** (third reading copy – blue) be concurred in as amended.

Signed: _____

Bill Wilson
Representative Bill Wilson, Chair

To be carried by Representative Scott Reichner

And, that such amendments read:

1. Title, line 7.

Following: "BROKERS"

Insert: ", MORTGAGE LENDERS, "

2. Title, line 8.

Strike: "AND"

Insert: ", "

3. Title, line 9.

Following: "LENDERS"

Insert: ", AND MORTGAGE LOAN ORIGINATORS"

4. Title, line 10.

Strike: "32-9-108, "

5. Title, line 11.

Following: "32-9-110, "

Strike: "32-9-115, "

6. Title, line 11.

Following: "32-9-124, "

Insert: "32-9-125, "

7. Title, line 12.

Committee Vote:

Yes 18, No 0

Fiscal Note Required ☐

SB0351001SC06480.hjd

Following: "SECTIONS"

Insert: "32-9-108, 32-9-115, 32-9-119,"

8. Title, line 16.

Strike: "AND A TERMINATION DATE"

9. Page 2, line 6.

Following: "originator"

Insert: "with respect to any residential real estate located in Montana"

10. Page 2, line 11.

Following: "person"

Strike: "licensed"

Insert: "acting"

11. Page 2, line 12.

Strike: "or who is employed as a registered mortgage loan originator"

Following: "required to"

Strike: "register"

Insert: "be licensed and registered"

12. Page 2, line 13.

Following: "registry"

Insert: "by the date set forth in [section 6(4)]"

13. Page 2, line 18.

Following: "of a"

Insert: "residential mortgage"

Following: "loan"

Strike: "in the mortgage industry"

14. Page 2, line 26.

Following: "person"

Strike: "or entity"

15. Page 2, line 29 through line 30.

Strike: "an" on line 29 through "lending" on line 30

Insert: "a person seeking a residential mortgage loan"

16. Page 3, following line 1.

Insert: "(7) (a) "Control" means the power, directly or indirectly, to direct the management or policies of an entity, whether through ownership of securities, by contract, or otherwise.

(b) A person is presumed to control an entity if that person:

(i) is a director, general partner, or executive officer;

(ii) directly or indirectly has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of a class of voting securities;

(iii) in the case of a limited liability company, is a managing member; or

(iv) in the case of a partnership, has the right to receive upon dissolution or has contributed 10% or more of the capital."

Renumber: subsequent subsections

17. Page 3, line 6 through line 10.

Strike: "an" on line 6 through "LOANS" on line 10

Insert: "a mortgage loan originator with at least 3 years of experience as a mortgage loan originator or registered mortgage loan originator who is designated by an entity as the individual responsible for the operation of a particular location that is under the designated manager's full management, supervision, and control"

18. Page 3, line 11.

Following: "organization,"

Strike: "other than"

Insert: "including"

19. Page 3, line 11 through line 12.

Following: "proprietorship"

Strike: "or" on line 11 through "services" on line 12

20. Page 3, following line 12.

Insert: "(12) "Escrow account" means a depository account with a financial institution that provides deposit insurance and that is separate and distinct from any personal, business, or other account of the mortgage lender and is maintained solely for the holding and payment of escrow funds.

(13) "Escrow funds" means funds entrusted to a mortgage lender by a borrower for payment of taxes, insurance, or other payments to be made in connection with the servicing of a loan."

Renumber: subsequent subsections

21. Page 3, line 19 through line 20.

Strike: subsection (13) in its entirety

Renumber: subsequent subsections

22. Page 3, following line 26.

Insert: "(18) "Loan commitment" means a statement transmitted in writing or electronically by a mortgage lender setting forth the terms and conditions upon which the mortgage lender is willing to make a particular residential mortgage loan to a particular borrower."

Renumber: subsequent subsections

23. Page 3, line 27.

Following: "tasks"

Insert: "as an employee"

24. Page 3, line 29 through line 30.

Strike: "mortgage broker" on line 29 through "originator" on line 30

Insert: "licensed mortgage loan originator or registered mortgage loan originator"

25. Page 4, line 8.

Following: "(18)"

Insert: "(a)"

26. Page 4, line 8 through line 12.

Following: "means" on line 8

Strike: "a person" on line 8 through "registry" on line 12

Insert: "an entity that obtains, attempts to obtain, or assists in obtaining a mortgage loan for a borrower from a mortgage lender in return for consideration or in anticipation of consideration.

(b) For purposes of this subsection (21), attempting to or assisting in obtaining a mortgage loan includes referring a borrower to a mortgage lender or mortgage broker, soliciting or offering to solicit a mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a mortgage loan with a mortgage lender on behalf of a borrower"

27. Page 4, line 13 through line 27.

Strike: "a person" on line 13 through "administration" on line 27

Insert: "an entity that closes a residential mortgage loan, advances funds, offers to advance funds, or commits to advancing funds for a mortgage loan applicant"

28. Page 4, line 28 through page 5, line 1.

Following: "who"

Strike: "is" on page 4, line 28 through "underwriter." on page 5, line 1

Insert: "for compensation or gain or in the expectation of compensation or gain:

(i) takes a residential mortgage loan application; or

(ii) offers or negotiates terms of a residential mortgage loan.

(b) The term does not include an individual:

(i) engaged solely as a loan processor or underwriter, except as provided in [section 5]; or

(ii) involved solely in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101(53D)."

29. Page 5, line 9 through line 10.

Following: "registration of" on line 9

Strike: "PERSONS" on line 9 through "INCLUDING" on line 10

30. Page 5, line 14 through line 30.

Strike: strike subsection (24) in its entirety

Renumber: subsequent subsections

31. Page 6, line 1.

Following: "individual,"

Insert: "sole proprietorship,"

32. Page 6, line 10.

Strike: "or"

33. Page 6, line 12.

Following: "law"

Insert: "; or

(e) offering to engage in any activity or act in any capacity described in subsections (28)(a) through (28)(d) "

34. Page 6, line 14 through line 22.

Strike: subsections (a) and (b) in their entirety

Insert: "(a) meets the definition of mortgage loan originator and is an employee of:

(i) a depository institution;

(ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

(iii) an institution regulated by the farm credit administration; and

(b) is registered with and maintains a unique identifier through the nationwide mortgage licensing system and registry."

35. Page 6, line 25.

Strike: "regulation Z"

Insert: "section 103(v) "

Strike: "12 CFR 226.2"

Insert: "15 U.S.C. 1602(v), "

36. Page 7, following line 2.

Insert: "(33) "Ultimate equity owner" means an individual who, directly or indirectly, owns or controls an ownership interest in a corporation, a foreign corporation, an alien business organization, or any other form of business organization, regardless of whether the individual owns or controls an ownership interest, individually or in any combination, through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint-stock companies,

or other entities or devices."

Renumber: subsequent subsection

37. Page 7, line 27 through page 8, line 5.

Strike: subsections (a) and (b) in their entirety

Insert: "(a) an entity that is an agency of the federal, state, or municipal government;
(b) an entity described in 32-9-103(29)(a)(i) through (29)(a)(iii);"

38. Page 8, line 6 through line 9.

Strike: "and the employer" on line 6 through "applies" on line 9

Insert: "when acting for an entity described in 32-9-103(29)(a)(i) through (29)(a)(iii)"

39. Page 8, line 10 through line 13.

Strike: subsection (D) in its entirety

Renumber: subsequent subsections

40. Page 8, line 21.

Following: "MADE BY"

Strike: "A PERSON"

Insert: "an entity"

Strike: "THAT PERSON"

Insert: "the entity"

41. Page 8, line 23.

Strike: "A PERSON"

Insert: "an entity"

Strike: "NONRESIDENTIAL OR"

42. Page 8, line 24.

Strike: "A PERSON"

Insert: "an entity"

43. Page 9, line 14.

Following: "DEPARTMENT"

Insert: "or the secretary of housing and urban development"

44. Page 9, line 15.

Following: "DEPARTMENT"

Insert: "or the secretary of housing and urban development"

Following: "DETERMINES"

Insert: "by guideline, interpretation, or rule"

45. Page 9, line 25.

Strike: "RESIDENTIAL"

46. Page 9, line 26 through line 27.

Strike: "A MORTGAGE" on line 26 through "OR" on line 27

47. Page 9, line 28.

Strike: "A MORTGAGE BROKER OR"

48. Page 10, line 1 through line 8.

Strike: Section 6 in its entirety

Insert: "NEW SECTION. Section 6. Overall licensing requirements for mortgage brokers, mortgage lenders, and mortgage loan originators. (1) The department is authorized to participate in the nationwide mortgage licensing system and registry and shall require mortgage lenders, mortgage brokers, and mortgage loan originators to apply for state licensure on applications approved by the nationwide mortgage licensing system and registry by the dates set forth in subsection (4).

(2) The department may establish requirements as necessary to comply with the nationwide mortgage licensing system and registry, including:

(a) payment of nonrefundable fees to apply for, maintain, and renew licenses through the nationwide mortgage licensing system and registry;

(b) renewal or reporting dates;

(c) procedures for amending or surrendering a license; and

(d) requirements pertaining to any other activity necessary for participation in the nationwide mortgage licensing system and registry.

(3) The state portion of the licensing fees collected by the nationwide mortgage licensing system and registry under this section must be deposited into the department's account in the state special revenue fund to be used for administering this part.

(4) In order to facilitate an orderly transition to licensing and minimize disruption in the mortgage marketplace, the implementation date of subsection (1) is:

(a) April 1, 2010, for all new applicants applying after [the effective date of this act];

(b) June 30, 2010, for all licensees with current licenses as of [the effective date of this act]; and

(c) for mortgage servicer loss mitigation specialists, if not exempt under 32-9-104(2), a date as set by the department by rule.

(5) The provisions of this part apply to the activities of retail sellers of manufactured homes and recreational vehicles to the extent determined by the United States department of housing and urban development through guidelines, regulations, or interpretive letters."

49. Page 10, line 10 through line 12.

Strike: Section 7 in its entirety

Insert: "NEW SECTION. Section 7. Dual licensure. An entity may be simultaneously licensed as a mortgage lender and a mortgage broker provided that the entity meets all requirements for licensure as a mortgage lender and a mortgage broker."

50. Page 10, line 14.

Strike: "mortgage brokers and"

51. Page 10, line 15.

Following: "."

Insert: "(1)"

Strike: "a mortgage broker's license or"

52. Page 10, line 17.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

53. Page 10, following line 20.

Insert: "(2) The prelicensing education courses that comply with the requirements of subsection (1) and that are approved by the nationwide mortgage licensing system and registry for any other state must be accepted with respect to the completion of prelicensing education requirements in Montana.

(3) If allowed by the nationwide mortgage licensing system and registry, the department is authorized to certify to the nationwide mortgage licensing system and registry that continuing education hours that were previously approved by the department have been completed by a mortgage loan originator."

54. Page 10, line 23.

Following: "individual"

Strike: "applying for a license as a mortgage broker"

Insert: "may not act as a designated manager"

55. Page 10, line 24.

Strike: "must have"

Insert: "without"

56. Page 11, line 1.

Strike: "mortgage brokers and"

57. Page 11, line 2.

Following: "seeking a"

Strike: "mortgage broker's license"

Following: "seeking"

Strike: "or a"

58. Page 11, line 15.

Following: "registry"

Strike: "and adopted by the department"

59. Page 11, line 26 through line 28.

Strike: subsection (5) in its entirety

Insert: "(5) An individual may retake a test three consecutive times with each consecutive test being taken at least 30 days after the previous testing date.

(6) An individual who fails three consecutive tests may not take the test for at least 6 months from the date of failing the third test.

(7) A licensed mortgage loan originator who fails to maintain a valid license for a period of 5 years shall retake the test. The 5-year period may not take into account any time during which the person is a registered mortgage loan originator."

60. Page 11, line 30 through page 13, line 12.

Strike: Section 11 in its entirety

Insert: "NEW SECTION. Section 11. Application for mortgage broker, mortgage lender, and mortgage loan originator license.

(1) An applicant under this part shall apply for a state license in a form prescribed by the department that complies with the requirements of the nationwide mortgage licensing system and registry. Each form must contain content as set forth by the nationwide mortgage licensing system and registry and may be changed or updated by the department as necessary to comply with the nationwide mortgage licensing system and registry.

(2) The department may establish a relationship or contract with the nationwide mortgage licensing system and registry or another entity designated by the nationwide mortgage licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this part.

(3) An applicant shall furnish information to the nationwide mortgage licensing system and registry concerning the applicant's identity, including but not limited to:

(a) fingerprints for submission to the federal bureau of investigation and any governmental agency or entity authorized to receive information for a state, national, and international criminal history background check;

(b) legal name, birth date, and social security number for submission to the criminal investigation bureau of the Montana department of justice as authorized for a state criminal history background check; and

(c) personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, including submission of authorization for the nationwide mortgage licensing system and registry and the department to obtain:

(i) an independent credit report from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting

Act, 15 U.S.C. 1681a(p); and

(ii) information related to administrative, civil, or criminal findings by a governmental jurisdiction.

(4) To reduce the points of contact that the federal bureau of investigation may be required to maintain for purposes of subsection (3), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agencies.

(5) To reduce the points of contact that the department may be required to maintain for purposes of subsection (3), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting and distributing information to and from any source directed by the department.

(6) The department shall issue a license to an applicant that has met all the requirements of this section, has paid the fee required under 32-9-117, and is not determined ineligible under [section 17]."

61. Page 13, line 14 through page 15, line 1.

Strike: Section 12 in its entirety

Insert: "NEW SECTION. Section 12. Application for licensure.

In order for an entity to be considered for state licensure, each of the following is required to independently meet the requirements established in [section 17(1)(a) through

(1)(d)]:

(1) ultimate equity owners of 25% or more of the applicant if the equity owners are individuals;

(2) control persons of the applicant if the control persons are individuals; and

(3) individuals that control, directly or indirectly, the election of 25% or more of the members of the board of directors of the entity."

62. Page 15, line 4.

Strike: "Application" through "employment"

Insert: "Employment"

63. Page 15, line 5 through page 16, line 4.

Strike: subsections (1) through (3) in their entirety

Renumber: subsequent subsections

64. Page 16, line 5.

Following: "OR"

Strike: "AN"

Insert: "one"

65. Page 16, line 13.

Following: "termination"

Insert: "and remove sponsorship of the mortgage loan originator on the nationwide mortgage licensing system and registry within 5 business days of the termination"

66. Page 16, line 14 through line 15.

Strike: "submitting" on line 14 through "along with" on line 15

Insert: "complying with the nationwide mortgage licensing system and registry procedures and paying"

67. Page 16, line 15.

Following: "The"

Strike: "return"

Insert: "removal of sponsorship"

68. Page 16, line 16.

Following: "originator"

Strike: "to the department"

69. Page 16, line 18.

Following: "until"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

Following: "followed to"

Strike: "reinstate"

Insert: "sponsor"

70. Page 16, line 19.

Following: "been"

Strike: "returned to the department"

Insert: "removed from sponsorship"

71. Page 16, following line 20.

Insert: "NEW SECTION. Section 14. Provisional licenses and previously licensed persons. The department may establish by rule licensing requirements, fees, and interim procedures for licensing and acceptance of applications for the purposes of implementing an orderly and efficient licensing process. The department may by rule establish expedited review and licensing procedures for a previously licensed person."

Renumber: subsequent sections

72. Page 16, line 24.

Following: "(1) (b) ,"

Strike: "an individual mortgage broker or"

73. Page 16, line 26.

Strike: "\$450"

Insert: "\$400"

74. Page 16, line 27.

Strike: "individual mortgage lender or an"

75. Page 17, line 1.

Strike: "(i)"

Following: "mortgage"

Strike: "broker"

Insert: "loan originator"

76. Page 17, line 4 through line 5.

Strike: subsection (ii) in its entirety

77. Page 17, line 7.

Following: "period"

Strike: "and" through "31"

Following: "A"

Insert: "state"

78. Page 17, line 7 through line 8.

Following: "shall" on line 7

Strike: ", " on line 7 through "year," on line 8

79. Page 17, line 8.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

80. Page 17, line 10.

Strike: "subsections"

Insert: "subsection"

81. Page 17, line 11.

Strike: "(i) and (1)(b)(ii)"

Following: the second "(1)(b)"

Strike: "(i)"

82. Page 17, line 14.

Following: "prescribed"

Insert: "means the license"

83. Page 17, line 14 through line 15.

Following: "automatically"

Strike: "revokes" on line 14 through "license" on line 15

Insert: "expires. The department may adopt procedures for reinstatement of expired licenses that are consistent with the standards established by the nationwide mortgage licensing system and registry"

84. Page 17, line 19.

Following: "PART"

Insert: "and that the licensee has paid all fees for renewal of the license"

85. Page 17, line 20.

Strike: "All"

Insert: "The state portion of the"

86. Page 17, line 23.

Following: "shall"

Strike: "provide" through "by"

Insert: "apply for state licensure on an application form approved by"

87. Page 17, line 28.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

88. Page 17, line 29 through line 30.

Following: "shall" on line 29

Strike: "provide" on line 29 through "simultaneously" on line 30

89. Page 18, line 7.

Following: "INFORMATION"

Strike: "TO ALLOW A SUPPLEMENTAL"

Insert: "for a"

90. Page 18, line 9.

Following: "NUMBER"

Insert: "for submission to the criminal investigation bureau of the Montana department of justice as authorized for a state criminal history background check"

91. Page 18, line 10.

Following: "experience"

Insert: "in a form prescribed by the nationwide mortgage licensing system and registry"

92. Page 18, following line 14.

Insert: "(2) To reduce the points of contact that the federal bureau of investigation may be required to maintain for purposes of subsection (1), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agencies.
(3) To reduce the points of contact that the department may

be required to maintain for purposes of subsection (1), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting and distributing information to and from any source directed by the department."

Renumber: subsequent subsections

93. Page 18, line 15.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

94. Page 18, line 18.

Strike: "(i) "

95. Page 18, line 19.

Strike: "their"

Insert: "the"

Following: "jurisdiction"

Strike: " ; "

Insert: ". A subsequent formal vacation of a revocation means that the revocation may not be considered a revocation. The department may by order vacate a revocation of a license and enter an appropriate order."

96. Page 18, line 20 through line 27.

Strike: subsection (ii) in its entirety

97. Page 18, line 28.

Following: "or"

Strike: "plead"

Insert: "pled"

98. Page 19, line 1.

Following: "laundering"

Strike: " ; "

Insert: ". The pardon of a conviction is not a conviction for the purposes this subsection (2) (b) ."

99. Page 19, line 4.

Strike: ". "

Insert: " ; "

100. Page 19, following line 4.

Insert: "(d) the applicant has not met the surety bond or net worth requirement as required pursuant to 32-9-123;

(e) the applicant has not completed the prelicensing education requirement described in [section 8];

(f) the applicant has not passed a written test that meets the test requirements described in 32-9-110;

(g) the applicant made a material misstatement of fact or material omission of fact in the application."

101. Page 19, line 10 through page 20, line 6.

Strike: Section 16 in its entirety

Renumber: subsequent sections

102. Page 20, line 12.

Strike: "(i)"

103. Page 20, line 13.

Following: "jurisdiction"

Strike: " ; "

Insert: ". A subsequent formal vacation of a revocation means that the revocation may not be considered a revocation. The department may by order vacate a revocation of a license and enter an appropriate order."

104. Page 20, line 14 through line 21.

Strike: subsection (ii) in its entirety

105. Page 20, line 22.

Following: "or"

Strike: "plead"

Insert: "pled"

106. Page 20, line 25.

Following: "laundering"

Strike: " ; "

Insert: ". The pardon of a conviction is not a conviction for the purposes of this subsection (1)(b)."

107. Page 20, line 28.

Strike: ". "

Insert: " ; "

108. Page 20, following line 28.

Insert: "(d) the applicant has not met the surety bond or net worth requirement as required pursuant to 32-9-123;

(e) the applicant has not completed the prelicensing education requirement described in [section 8];

(f) the applicant has not passed a written test that meets the test requirements described in 32-9-110;

(g) the applicant made a material misstatement of fact or material omission of fact in the application."

109. Page 21, line 3 through line 7.

Strike: subsection (3) in its entirety

110. Page 21, line 10 through line 11.

Strike: "and" on line 10 through the first "brokers" on line 11

111. Page 21, line 11.

Following: "."

Insert: "(1)"

112. Page 21, line 11.

Strike: "and all individual mortgage brokers"

113. Page 21, line 12.

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

114. Page 21, following line 14.

Insert: "(2) The 12 hours of education must include at least:

(a) 3 hours of training on federal laws and regulations;

(b) 2 hours of training in ethics, including instruction on fraud prevention, consumer protection, and fair lending issues; and

(c) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(3) A person who has successfully completed the education requirements that comply with the requirements of subsection (1) and that are approved by the nationwide mortgage licensing system and registry for any other state must be given credit toward completion of continuing education requirements in Montana.

(4) A licensed mortgage loan originator who subsequently becomes unlicensed shall complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license."

115. Page 21, line 21.

Following: "account"

Insert: "or escrow account"

116. Page 21, line 26.

Following: "~~Montana.~~"

Insert: "Whenever a licensee's usual business location is outside of this state the licensee shall, at its election, either maintain its books and records at a location in this state or reimburse the department for expenses incurred, including but not limited to staff time, transportation, food, and lodging expenses, relating to an examination or investigation under this part."

117. Page 21, line 29.

Following: "account"

Insert: "or escrow account"

118. Page 22, line 15.

Following: "office"

Strike: "and shall register with"

Insert: "through"

119. Page 22, line 17.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

120. Page 22, line 18.

Following: "mortgage"

Strike: "broker"

Insert: "loan originator"

121. Page 22, line 21.

Strike: "department"

Insert: "nationwide mortgage licensing system and registry for
each office that originates a residential mortgage loan"

122. Page 22, line 22.

Strike: "broker"

Insert: "loan originator"

Following: "office"

Strike: "and each branch location"

Insert: "and shall designate a separate designated manager to
serve each branch location"

123. Page 22, line 23.

Strike: "a mortgage broker,"

124. Page 22, line 24.

Following: the first "originator"

Strike: ","

Following: "registered"

Insert: "mortgage"

125. Page 23, line 4 through line 5.

Strike: ", each" on line 4 through "broker," on line 5

126. Page 23, line 8.

Following: "mortgage"

Strike: "lender"

Insert: "loan originator"

127. Page 23, line 9.

Following: "information"

Strike: "in writing to the department"

Insert: "to the nationwide mortgage licensing system and
registry"

128. Page 23, line 12.

Following: "termination"

Insert: "and remove the sponsorship of the designated manager on the nationwide mortgage licensing system and registry within 5 business days of the termination"

129. Page 23, line 14.

Following: "BROKER"

Strike: "OR"

Insert: ", "

Following: "LENDER"

Insert: ", or mortgage loan originator"

130. Page 23, line 15.

Following: "FOR A"

Insert: "mortgage broker, "

Following: "LENDER"

Insert: ", or mortgage loan originator"

131. Page 24, line 8 through line 12.

Strike: subsection (1)(a) in its entirety

Insert: "(1) (a) A mortgage loan originator must be covered by a surety bond in accordance with this section. If a mortgage loan originator is an employee of or exclusive agent for a licensed mortgage lender or mortgage broker, the surety bond of the licensed mortgage lender or mortgage broker may be used in lieu of a mortgage loan originator's surety bond."

132. Page 24, line 17.

Following: "broker"

Strike: "or"

Insert: ", "

Following: "lender"

Insert: ", or mortgage loan originator"

133. Page 24, line 22.

Following: "residential"

Insert: "mortgage"

134. Page 25, line 10.

Following: "requirement"

Insert: "provided that the actual net worth determined in the department of housing and urban development's approval is equivalent to the bond amount set forth for the corresponding dollar amount range set forth in subsections (2)(b)(i) through (2)(b)(iii)"

135. Page 25, following line 17.

Insert: "NEW SECTION. Section 23. Escrow fund. (1) An escrow fund authorized for any purpose by a mortgage loan contract is subject to applicable state and federal requirements. Money received from a borrower by a mortgage lender licensed under this part must be considered as held in trust immediately upon receipt. The mortgage lender shall place escrow funds in a depository institution prior to the end of the third business day following their receipt.

(2) An escrow fund account must be a separate account established to hold only borrowers' funds. The account must be designated and maintained for the benefit of borrowers. Escrow funds may not be commingled with any other funds.

(3) Escrow funds must be kept in the segregated account until disbursement. Money maintained in an escrow fund account is exempt from execution, attachment, or garnishment.

(4) A licensee may not encumber the corpus of an escrow fund account or commingle other operating funds with account funds.

(5) An escrow fund account may be used only for:

- (a) a payment authorized by the borrower or the mortgage loan contract or required by federal or state law;
- (b) a refund to the borrower;
- (c) transfer to a depository institution;
- (d) transfer to the appropriate mortgage lender or mortgage servicer in the case of a transfer of servicing;
- (e) a purpose authorized by the mortgage loan contract; or
- (f) purposes of complying with an order issued by the commissioner or a court.

(6) Accounting for escrow funds must be performed in compliance with the aggregate accounting rules established in regulation X, 24 CFR 3500, and in compliance with 71-1-115."

Insert: "NEW SECTION. Section 24. Disclosure of mortgage costs by mortgage lender. (1) Within 3 business days of taking a mortgage loan application and prior to receiving any consideration from the borrower, the mortgage lender shall disclose the terms of the loan to the borrower in compliance with the disclosure requirements of the federal Real Estate Settlement Procedures Act, 12 U.S.C. 2601, et seq., the federal Truth in Lending Act, 15 U.S.C. 1601, et seq., and any regulations promulgated under those acts.

(2) A mortgage lender shall disclose the terms of any prepayment penalty on the mortgage loan, including the amount of the prepayment penalty or the formula for calculating the prepayment penalty. If the initial mortgage loan offer does not include a prepayment penalty, but a prepayment penalty is later included in the mortgage loan offer, disclosure of the terms of the prepayment penalty must be made within 3 business days of the prepayment penalty being added to the mortgage loan offer.

(3) A licensed mortgage lender may not require a borrower to pay any fees or charges prior to the mortgage loan closing,

except:

(a) charges to be incurred by the mortgage lender on behalf of the borrower for services from third parties necessary to process the application, such as credit reports and appraisals;

(b) an application fee;

(c) an interest rate lock-in fee if the borrower is provided an interest rate lock-in agreement, the terms of which must include but are not limited to:

(i) the expiration date of the interest rate lock-in agreement;

(ii) the principal amount of the mortgage loan, the term of the mortgage loan, and identification of the residential real estate;

(iii) the initial interest rate and the discount points to be paid; and

(iv) the amounts and payment terms of the interest rate lock-in, along with a statement as to whether the fee is refundable and the terms and conditions necessary to obtain a refund; and

(d) a loan commitment fee, upon approval of the mortgage loan application, if the borrower is provided with a loan commitment in writing that it is signed by the mortgage lender and the borrower and the terms include the terms and conditions of the mortgage loan as well as the terms and conditions of the loan commitment, including but not limited to:

(i) the time period during which the loan commitment is irrevocable and may be accepted by the borrower, which may not be less than 7 calendar days from the date of the loan commitment or the date of mailing, whichever is later;

(ii) the amount and payment terms of the loan commitment fee, along with a statement as to whether the fee is refundable and the terms and conditions necessary to obtain a refund;

(iii) the expiration date of the loan commitment;

(iv) conditions precedent to closing; and

(v) the terms and conditions, if any, for obtaining a refund of fees for third-party services or arranging for the transfer of third-party service work products to another mortgage lender.

(4) Any amount collected under subsection (3) in excess of the actual costs must be returned to the borrower within 60 days after rejection, withdrawal, or closing.

(5) (a) Except as provided in subsection (5) (b), fees or charges collected pursuant to this section, other than fees for third-party services collected pursuant to subsection (3) (a), must be refunded if a valid loan commitment is not produced or if closing does not occur.

(b) Applicable fees may be retained by the licensee in accordance with the terms of the loan commitment upon the licensee's ability to demonstrate any of the following:

(i) the borrower withdraws the mortgage loan application after the lender has issued a loan commitment on the same terms

and conditions disclosed to the borrower on the most recent good faith estimate;

(ii) the borrower has made a material misrepresentation or omission on the mortgage loan application; or

(iii) the borrower has failed to provide documentation necessary to the processing or closing of the mortgage loan application and closing does not occur without fault of the lender."

Renumber: subsequent sections

136. Page 26, line 8.

Strike: "if" through "CONDUCTS"

Insert: "conduct"

137. Page 26, following line 18.

Insert: "(2) A mortgage lender may not do any of the following:

(a) cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer;

(b) disburse the mortgage loan proceeds to a closing agent in any form other than, as applicable:

(i) direct deposit to a borrower's account:

(ii) wire;

(iii) bank or certified check;

(iv) attorney's check drawn on a trust account; or

(v) other form as specifically authorized by applicable law;

(c) disburse the proceeds of a mortgage loan without sufficient collected funds on hand at the time of the disbursement in the account upon which the funds are drawn;

(d) fail to disburse funds in accordance with a loan commitment to make a mortgage loan that was accepted by the borrower;

(e) fail to take the actions required to affect a release of the lender's security interest in the property as described in 71-1-212;

(f) advertise that a mortgage applicant will have unqualified access to credit without disclosing what material limitations on the availability of credit exist, such as the percentage of down payment required, that a higher rate or points could be required, or that restrictions as to the maximum principal amount of the mortgage loan offered could apply;

(g) advertise a mortgage loan for which a prevailing rate is indicated in the advertisement unless the advertisement specifically states that the expressed rate could change or not be available at commitment or closing;

(h) advertise mortgage loans, including rates, margins, discounts, points, fees, commissions, or other material information, including material limitations on mortgage loans, unless the person is able to make advertised mortgage loans to a reasonable number of qualified applicants; or

(i) falsely advertise or misuse names in violation of 18

U.S.C. 709."

Renumber: subsequent subsections

138. Page 26, line 19.

Following: "the"

Strike: "mortgage broker OR"

139. Page 26, line 20.

Strike: "licensee"

Insert: "working for a mortgage broker"

140. Page 26, line 24.

Following: "licensed mortgage"

Strike: "broker"

Insert: "loan originator"

Strike: "brokerage"

Insert: "loan origination"

141. Page 27, line 22.

Following: "the"

Strike: "mortgage broker or"

142. Page 27, following line 22.

Insert: "Section 26. Section 32-9-125, MCA, is amended to read:

"32-9-125. Trust accounts -- bona fide third-party fees.

(1) Every mortgage broker and mortgage lender doing business in this state shall:

(a) maintain a trust account at a federally insured financial institution ~~located in this state whose deposits or shares are insured~~, and the trust account funds may not be commingled with any other funds of the mortgage broker or mortgage lender;

(b) deposit into the trust account any bona fide third-party fee that the mortgage broker or mortgage lender receives; and

(c) pay third-party fees to a bona fide third party from the ~~mortgage broker's~~ trust account unless the borrower, the seller, or another person involved in the transaction pays the bona fide third party directly.

(2) A mortgage broker or mortgage lender may not charge or receive, directly or indirectly, fees for assisting a borrower in obtaining a mortgage until all of the services that the mortgage broker or mortgage lender has agreed to perform for the borrower are completed. A mortgage broker or mortgage lender may not charge a residential loan application fee in excess of the amount allowed by federal law. Prior to completion of services, the fees provided for in subsection (3) incurred by a bona fide third party in assisting the borrower to obtain a mortgage must be paid.

(3) The following fees must be paid by the borrower, the

seller, or another person involved in the transaction directly to the bona fide third party providing the services or must be paid by the borrower, the seller, or another person involved in the transaction to the mortgage broker or mortgage lender for payment of services performed by the bona fide third party:

- (a) credit report fees;
- (b) notary fees;
- (c) title search, appraisal, or survey fees;
- (d) rate-lock fees not exceeding 3% of the mortgage loan amount; and
- (e) fees paid directly by the borrower, the seller, or another person involved in the transaction to a state or federal government agency or instrumentality for purposes of processing a mortgage application relating to a government-sponsored or guaranteed mortgage program.

(4) The department shall by rule define the meaning of "another person involved in the transaction".

Renumber: subsequent sections

143. Page 27, line 25.

Following: "suspension,"

Insert: "conditioning,"

144. Page 27, line 27.

Following: "suspension"

Insert: ", conditioning,"

145. Page 27, line 28.

Following: "suspend"

Insert: ", condition,"

146. Page 28, line 4.

Following: "suspended"

Strike: "or revoked"

147. Page 28, following line 7.

Insert: "(5) The department may by order vacate a revocation of a license and enter an appropriate order."

148. Page 29, line 20 through line 22.

Strike: subsection (4)(a) in its entirety

Insert: "(4) (a) For the purposes of investigating violations or complaints arising under this part or for the purposes of examination, the department may review, investigate, or examine any licensee or person subject to this part as often as necessary in order to carry out the purposes of this part.

(b) The commissioner may direct, subpoena, or order the attendance of and may examine under oath any person whose

testimony may be required about the subject matter of any examination or investigation and may direct, subpoena, or order the person to produce books, accounts, records, files, and any other documents the commissioner considers relevant to the inquiry.

(5) Each licensee or person subject to this part shall make available to the department upon request the documents and records relating to the operations of the licensee or person. The department may access the documents and records and may interview the officers, principals, mortgage loan originators, employees, independent contractors, agents, customers of the licensee or person concerning the business of the licensee or person, or any other person having knowledge the department considers relevant.

(6) (a) The department may conduct investigations and examinations for the purposes of initial licensing, license renewal, license suspension, license conditioning, license revocation, or license termination or to determine compliance with this part.

(b) The department has the authority to access, receive, and use any books, accounts, records, files, documents, information, or evidence, including but not limited to:

(i) criminal, civil, and administrative history information, including confidential criminal justice information as defined in 44-5-103;

(ii) personal history and experience information, including independent credit reports obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681, et seq.; and

(iii) any other documents, information, or evidence the department considers relevant to an inquiry or investigation regardless of the location, possession, control, or custody of the documents, information, or evidence."

149. Page 29, line 25.

Strike: "(B)"

Insert: "(7)(a)"

Strike: "INVESTIGATION OR"

Following: "EXAMINATION"

Insert: "or investigation"

150. Page 29, line 27.

Strike: "INSPECTION OR"

Following: "EXAMINATION"

Insert: "or investigation"

151. Page 30, line 2 through line 4.

Strike: subsection (c) in its entirety

Insert: "(b) The cost of an examination or investigation must be paid by the licensee or person within 30 days after the date of the invoice. Failure to pay the cost of an examination or

investigation when due must result in the suspension or revocation of a licensee's license."

152. Page 30, line 5.

Strike: "(5)(a)"

Insert: "(8)(a)"

Renumber: subsequent subsections

153. Page 30, following line 15.

Insert: "(ii) retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

(iii) use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the licensee or person subject to this part;"

Renumber: subsequent subsections

154. Page 30, line 23.

Strike: "INVESTIGATION OR"

Following: "EXAMINATION"

Insert: "or investigation"

155. Page 30, line 24.

Strike: "(5)(a)(i)"

Insert: "(8)(a)(i)"

Strike: "30"

Insert: "33"

156. Page 31, line 5 through line 6.

Following: "REGISTRY"

Strike: "1" on line 5 through "COSTS" on line 6

157. Page 31, line 7.

Following: "originator"

Strike: "licensees"

Insert: "applicants"

158. Page 31, line 8.

Following: "part"

Strike: "register with,"

Insert: "apply for state licensure and"

Following: "TO"

Strike: "1"

159. Page 31, line 22.

Strike: "OF SUBSECTION (8)(A)"

Insert: "that the United States department of housing and urban development determine to not be in compliance with the

requirements of the Secure and Fair Enforcement for Mortgage Licensing Act, Public Law 110-289,"

160. Page 32, line 5.

Following: "revoking"

Insert: ", conditioning,"

161. Page 32, line 7.

Following: "broker"

Strike: "OR"

Insert: ", "

162. Page 32, line 8.

Following: "LENDER"

Strike: "business" through "ORIGINATOR"

Insert: ", or mortgage loan origination business"

163. Page 32, line 12.

Following: "in the"

Strike: "state general fund"

Insert: "department's account in the state special revenue fund and used to administer the provisions of this part"

164. Page 32, line 13.

Following: "broker"

Insert: ", mortgage lender,"

165. Page 33, line 22.

Following: "Sections"

Insert: "32-9-108, 32-9-115, 32-9-119,"

166. Page 33, lines 28 and 29.

Strike: "[Sections" on line 28 through "30]" on line 29

Insert: "[Sections 5 through 8, 11, 12, 14, 16, 17, 21, 23, 24, 28 through 30, and 33]"

167. Page 33, line 30 through page 34, line 1.

Strike: "[Section" on page 33, line 30 through "30]" on page 34, line 1

Insert: "[Sections 5 through 8, 11, 12, 14, 16, 17, 21, 23, 24, 28 through 30, and 33]"

168. Page 34, following line 7.

Insert: "NEW SECTION. Section 37. Contingent suspension. If the secretary of housing and urban development determines by guideline, interpretation, or rule that any part of [this act] is out of compliance with the Secure and Fair Enforcement for Mortgage Licensing Act, Public Law 110-289, the operation and effect of that part is suspended."

Renumber: subsequent sections

169. Page 34, line 11 through line 12.

Strike: Section 35 in its entirety

- END -



HOUSE STANDING COMMITTEE REPORT

March 28, 2009

Page 1 of 2

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 371** (third reading copy – blue) be concurred in as amended.

Signed: _____

Bill Wilson
Representative Bill Wilson, Chair

To be carried by Representative Chuck Hunter

And, that such amendments read:

1. Title, line 7.

Strike: "IMMEDIATE"

2. Page 6, line 15.

Following: "unpaid"

Insert: ", and the employee is not engaged in duties for the employer"

3. Page 6, line 16.

Following: "is"

Insert: "voluntarily"

4. Page 6, line 18.

Following: "activity"

Insert: "and the employee is not engaged in duties assigned by the employer"

5. Page 6, line 19.

Following: "is"

Strike: "expressly"

Insert: "either in a paid work status while participating in the recreational or social activity or is"

6. Page 6, line 20.

Committee Vote:

Yes 13, No 5

Fiscal Note Required __

SB0371001SC06470.hjd

Following: "the"

Insert: "recreational or social"

7. Page 8, line 22.

Strike: "on passage and approval"

Insert: "July 1, 2009"

- END -



HOUSE STANDING COMMITTEE REPORT

March 28, 2009

Page 1 of 2

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 662** (first reading copy – white) **do pass as amended.**

Signed: _____

Bill Wilson
Representative Bill Wilson, Chair

And, that such amendments read:

1. Title, line 6.

Strike: "PROVIDING" through "LICENSE;"

2. Page 2, line 10.

Following: "include"

Insert: "providing examinations for the purpose of"

Following: "diagnosis"

Insert: ", providing treatments that are outside the scope of the
massage therapy,"

3. Page 2, line 11.

Strike: "manual therapy or"

4. Page 2, line 12.

Following: "tape,"

Insert: "manual or"

Following: "traction"

Insert: "when applied to the spine or extremities for the
purposes of joint mobilization or manipulation"

5. Page 3, following line 24.

Insert: "(5) adopt rules establishing reasonable requirements
for continuing education, which must require 12 hours of
continuing education to be completed in each 2-year period;"

ReNUMBER: subsequent subsections

Committee Vote:

Yes 17, No 1

Fiscal Note Required ____

HB0662001SC.hjd

6. Page 4, line 19.

Strike: "transitional"

Strike: "as provided for in"

Insert: "under"

7. Page 4, line 20.

Strike: "[sections 1 through 10]"

Insert: "[section 8]"

8. Page 5, line 2.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

9. Page 5, line 12.

Strike: "Transitional licensure"

Insert: "Initial licensure -- grandfather clause"

10. Page 5, line 13.

Strike: "transitional" in two places

11. Page 5, line 15.

Strike: "transitional"

12. Page 5, line 16.

Following: "license"

Insert: "under this section"

13. Page 5, line 17 through line 21.

Strike: subsection (2) in its entirety

Insert: "(2) (a) A license issued under this section is valid for the same initial period as a license issued under [section 8] and is subject to the same renewal requirements and renewal fees as a license issued under [section 8].

(b) A person may not apply for licensure under this section after July 1, 2012."

- END -



HOUSE STANDING COMMITTEE REPORT

March 28, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 656** (first reading copy – white) **do pass as amended.**

Signed: _____

Bill Wilson
Representative Bill Wilson, Chair

And, that such amendments read:

1. Title, line 5 through line 6.

Strike: "REQUIRING" on line 5 through "REVENUE;" on line 6

2. Page 1, line 14 through line 16.

Strike: Section 1 in its entirety

Renumber: subsequent section

3. Page 3, line 1.

Strike: "adjust"

Insert: "determine"

4. Page 3, line 2.

Following: "by"

Insert: "using"

- END -

Committee Vote:

Yes 17, No 1

Fiscal Note Required ____

HB0656001SC.hjd



HOUSE STANDING COMMITTEE REPORT

March 28, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 271** (third reading copy – blue) be concurred in.

Signed: _____

Bill Wilson
Representative Bill Wilson, Chair

To be carried by Representative Michele Reinhart

- END -

Committee Vote:

Yes 12, No 6

Fiscal Note Required ☐

SB0271001SC05158.hjd



HOUSE STANDING COMMITTEE REPORT

March 28, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 235** (third reading copy – blue) **be concurred in.**

Signed: _____

Bill Wilson
Representative Bill Wilson, Chair

To be carried by Representative Chuck Hunter

- END -

Committee Vote:

Yes 14, No 4

Fiscal Note Required ☐

SB0235001SC06470.hjd

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE BUSINESS AND LABOR COMMITTEE** TABLED **SB 335**, by motion, on **Friday, March 27, 2009**.


(For the Committee)


(Chief Clerk of the House)

_____, 3/27
(Time) (Date)

March 27, 2009

Katie Butcher, Secretary

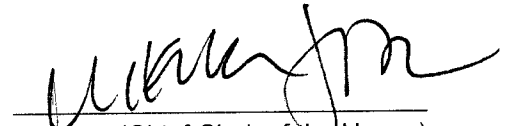
Phone: 406-444-4482

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE BUSINESS AND LABOR COMMITTEE** TABLED **SB 363**, by motion, on **Friday, March 27, 2009**.


(For the Committee)


(Chief Clerk of the House)
_____, 3/27
(Time) (Date)

March 27, 2009

Katie Butcher, Secretary

Phone: 406-444-4482

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 3/27
 MOTION: _____

BILL NO SB 25 MOTION NO. Be Concurred In

Be Concurred In
~~SB 25~~

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhardt	X		
Rep. Bill Beck		X	
Rep. Elsie Arntzen	X		
Rep. Shannon Augare	X		
Rep. Paul Beck	X		
Rep. Tom Berry	X		
Rep. Carlie Boland	X		
Rep. John Fleming	X		
Rep. Timothy Furey	X		
Rep. Chuck Hunter	X		
Rep. Harry Klock	X		
Rep. Mike Milburn	X		P
Rep. Pat Noonan		X	P
Rep. Scott Reichner		X	
Rep. Cary Smith	X		
Rep. Gordon Vance		X	
Rep. Jeffery Welborn	X		P
Rep. Bill Wilson	X		

14 - 4

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 3/27/09 BILL NO HB 442 MOTION NO. DO Pass As Amended
 MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	X		
Rep. Bill Beck	X		
Rep. Elsie Arntzen	X		
Rep. Shannon Augare	X		
Rep. Paul Beck	X		
Rep. Tom Berry	X		
Rep. Carlie Boland	X		
Rep. John Fleming	X		
Rep. Timothy Furey	X		
Rep. Chuck Hunter	X		
Rep. Harry Klock	X		
Rep. Mike Milburn	X		P
Rep. Pat Noonan	X		
Rep. Scott Reichner	X		
Rep. Cary Smith	X		
Rep. Gordon Vance		X	
Rep. Jeffery Welborn	X		
Rep. Bill Wilson	X		

17 - 1

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 3/27/09 BILL NO SB142 MOTION NO. BCI
MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart		X	
Rep. Bill Beck	X		
Rep. Elsie Arntzen	X		P
Rep. Shannon Augare		X	
Rep. Paul Beck		X	
Rep. Tom Berry	X		
Rep. Carlie Boland		X	
Rep. John Fleming		X	
Rep. Timothy Furey		X	
Rep. Chuck Hunter		X	
Rep. Harry Klock	X		
Rep. Mike Milburn	X		P
Rep. Pat Noonan		X	
Rep. Scott Reichner	X		
Rep. Cary Smith	X		
Rep. Gordon Vance	X		
Rep. Jeffery Welborn	X		
Rep. Bill Wilson		X	

9-9

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 3/27/09 BILL NO SB335 MOTION NO. BCI
 MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhardt		X	
Rep. Bill Beck		X	
Rep. Elsie Arntzen		X	
Rep. Shannon Augare		X	
Rep. Paul Beck		X	
Rep. Tom Berry	X		
Rep. Carlie Boland		X	
Rep. John Fleming		X	
Rep. Timothy Furey		X	
Rep. Chuck Hunter		X	
Rep. Harry Klock	X		
Rep. Mike Milburn	X		
Rep. Pat Noonan		X	
Rep. Scott Reichner	X		
Rep. Cary Smith		X	
Rep. Gordon Vance	X		
Rep. Jeffery Welborn		X	
Rep. Bill Wilson		X	

5 - 13

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 3/27/09 BILL NO SB 371 MOTION NO. BCIHA
 MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart		X	
Rep. Bill Beck	X		
Rep. Elsie Arntzen	X		
Rep. Shannon Augare		X	
Rep. Paul Beck	X		
Rep. Tom Berry	X		
Rep. Carlie Boland		X	
Rep. John Fleming	X		
Rep. Timothy Furey	X		
Rep. Chuck Hunter	X		
Rep. Harry Klock	X		
Rep. Mike Milburn	X		P
Rep. Pat Noonan		X	
Rep. Scott Reichner	X		
Rep. Cary Smith	X		
Rep. Gordon Vance	X		
Rep. Jeffery Welborn	X		
Rep. Bill Wilson		X	

13 - 5

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 3/27/09 BILL NO SB 271 MOTION NO. BCI
 MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	X		
Rep. Bill Beck		X	
Rep. Elsie Arntzen	X		
Rep. Shannon Augare	X		
Rep. Paul Beck	X		
Rep. Tom Berry	X		
Rep. Carlie Boland	X		
Rep. John Fleming	X		
Rep. Timothy Furey	X		
Rep. Chuck Hunter	X		
Rep. Harry Klock		X	
Rep. Mike Milburn		X	P
Rep. Pat Noonan	X		
Rep. Scott Reichner	X		
Rep. Cary Smith		X	
Rep. Gordon Vance		X	
Rep. Jeffery Welborn		X	
Rep. Bill Wilson	X		

12-6

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Business & Labor

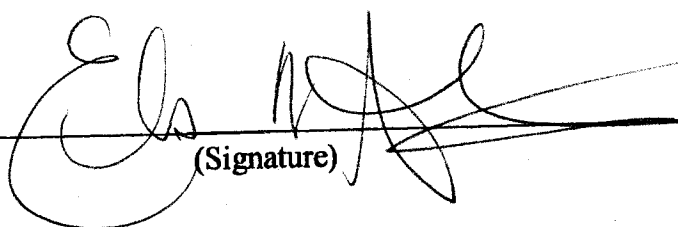
Committee because of other commitments. I desire to leave my proxy vote with:

Rep. B. Beck

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 142 BCI	X	
SB 335 BCI		X
SB 335 table	X	

BILL/AMENDMENT	AYE	NO

Rep. 
(Signature)

Date 3/27/09

AUTHORIZED COMMITTEE PROXY

I request to be excused from the H. B+L

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Reinhart

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 142		✓
SB 235	✓	
SB 335		✓
SB 351 w/Amend	✓	
SB 363	✓	
SB 371 401 w/Amend	✓	
371 Amend	✓	
SB 351 Amend	✓	
HB 656 Amend	✓	
HB 656 w/Amend	✓	

BILL/AMENDMENT	AYE	NO

Rep. Twissell P. Ferry
(Signature)

Date 3/27/2009

AUTHORIZED COMMITTEE PROXY

I request to be excused from the BUSINESS AND LABOR

Committee because of other commitments. I desire to leave my proxy vote with:

VICE CHAIR REINHART

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

#	656	Yes bill/amend	✓	
	662			
	142			✓
#	235			✓
	335			✓
#	351	Yes bill/amend	✓	
	363	☹	✓	
	371	y	✓	
	398			

BILL/AMENDMENT AYE NO

Rep.

(Signature)

Date

3/27/09

AUTHORIZED COMMITTEE PROXY


I request to be excused from the Bennett & Haber

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Bill Bell

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 235	/				
SB 351	/				
HB 656	/				
HB 662	✓				
SB 142	✓				
SB 335	/				
SB 371	✓				
SB 271		✓			

Rep. 
(Signature)

Date 3/27/09

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Burnin & Luber

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Bruce Beck-

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

SB 235	✓	
SB 357	✓	
HB 456	✓	
SB 142		

BILL/AMENDMENT

AYE NO

Rep.

[Signature]
(Signature)

Date

3/27/09